



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,683	01/16/2002	Otto Rolf Muller	P6542.9US	5105

7590 04/04/2003

Gurdrun E. Huckett, Ph.D.
P.O. Box 3187
Albuquerque, NM 87190-3187

[REDACTED] EXAMINER

TSIDULKO, MARK

ART UNIT	PAPER NUMBER
2875	

DATE MAILED: 04/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/050,683	MULLER ET AL.
	Examiner	Art Unit
	Mark Tsidulko	2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 January 2002.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 and 9-12 is/are rejected.
- 7) Claim(s) 8,13 and 14 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 January 2002 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 - 1) Certified copies of the priority documents have been received.
 - 2) Certified copies of the priority documents have been received in Application No. _____.
 - 3) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what Applicant intends by "light guide has a contour of a tubular fluorescent lamp".

Contour is an outer line of the shape and the fluorescent lamp may have many different shapes well known in the art, such as elongate, circular, bent, etc.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 7, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finch et al. (US 5,184,883) in view of Berg (US 6,286,984).

Referring to Claims 1, 5 Finch et al. disclose (Fig.2) a vehicle lamp having a lens [39], a reflector [14], a rod-shaped light guide [18] arranged between the reflector [14] and the lens [39] and a light source [20] which is hidden from view.

It is understood that any desired type of the light source can be used in the device including LED which is well known in the art.

Finch et al. disclose the instant claimed invention except for the housing.

Berg discloses a vehicle taillight having the housing (Abstract). It is well known in the art that the vehicle's lighting device is secured in the housing that saves the device from damage and dirt.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the device of Finch et al. with the housing as taught by Berg in order to attach the device to the vehicle's body and prevent the damage of the device.

Referring to Claims **2, 3** Finch et al. disclose the instant claimed invention except for LED is arranged in the receiving space and mounted on a printed circuit board.

Berg discloses the LED [12] positioned in a receiving portion [18] and mounted on the circuit board [17]. LED positioned in a receiving portion is invisible from view out of housing.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the device of Finch et al. with the LED positioned in a receiving portion as shown by Berg in order to be invisible from view out of housing and mounted on the PCB for power supply.

Referring to Claim **7**, as best understood, Finch et al. disclose the light guide [18] having contour approximating a contour of a tubular fluorescent lamp.

Referring to Claim **12** Finch et al. disclose the device wherein the light guide has two ends and wherein light is introduced into one of the two ends.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Finch et al. and Berg as applied to claim 1 above, and further in view of Noll (US 6,450,656).

Finch et al. and Berg disclose the instant claimed invention except for LED is a SMD component.

Noll discloses a display unit having a LED which is a SMD component that can be surface mounted, with the result that the mounting process can be further simplified (col.3, lines 41-44).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the device of Finch et al. and Berg with SMD as taught by Noll in order to simplify the mounting process.

Claims 6, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finch et al. and Berg as applied to claim 1 above, and further in view of Beck et al. (US 6,107,916).

Referring to Claim 6 Finch et al. and Berg disclose the instant claimed invention except for the light has a length and light guide extends substantially across the entire length of the light.

Beck et al. disclose (Figs.1,2) a signal lamp having a light guide [7] that extends about periphery of the lamp. A signal lamp may be made in any shape desired, regardless of a shape of the headlamp (col.3, lines 30-34). In a lamp having elongated configuration, such as rectangular or elliptical, the light guide [7] will extend across the length of the lamp. Lengthwise design of the light guide element increases position of the light (col.3, lines 13-16).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the device of Finch et al. and Berg with the light guide extending across the length of the device as shown by Beck et al. in order to increase the position of the light.

Referring to Claims **9-11** it is understood that the light guide may have any desired cross section form, including circular cross section, or having straight back side, or convexly curved front side.

Allowable Subject Matter

Claims **8, 13, 14** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Referring to Claim **8** the prior art of record fails to show a device wherein the light guide has spacing relative to the reflector smaller than the spacing relative to the lens.

Referring to Claims **13, 14** the prior art of record fails to show the light guide having an optical element on the front or back side.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (703)308-1326. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703)872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

M.T.
March 28, 2003



RECEIVED
U.S. PATENT AND TRADEMARK OFFICE